

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

20-cr-470 (PKC)

-against-

ORDER

KENNETH WYNDER, JR. and STEVEN  
WHITTICK,

Defendants.

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CASTEL, U.S.D.J.

Counsel for defendant Wyndner writes to the Court expressing concern about a conflict with a December 6, 2021 date for another criminal jury trial in this district. That “trial date” is said to conflict with the “current trial schedule” in this case.

To be clear, under presently applicable internal Court procedures, judges of this Court may not set a binding jury selection date except through a district-wide calendar determined in accordance with a protocol adopted by the Court. The protocol determines the order of trials keeping the Speedy Trial Rights of defendants foremost in mind.

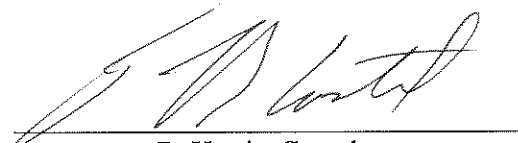
Judges’ requests for jury selection dates within the fourth quarter of 2021 are not due until August 15, 2021. Only after the submission date has passed will the Clerk’s Office prepare a calendar. Any jury selection date discussed prior to then is necessarily aspirational.

Pursuant to the ten-month old protocol and the district-wide calendaring process, over 1400 jurors have reported for service and 32 juries have been empaneled from September 29, 2020 through April 30, 2021. Jury selection dates have been assigned to many more cases, both criminal and civil, which have been resolved without the need to empanel a jury. With due respect

to counsel, the Court submits that there is no evidence of a “pandemic fueled scheduling mayhem” in this district.

At the last conference, the Court determined that November 29, 2021 would be a convenient date for trial and had intended to request the date. If some other circumstance exists that makes that date infeasible, counsel should confer with all other counsel in the case and propose an alternatives to the Court together with a request for exclusion of time under the Speedy Trial Act.

SO ORDERED.



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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
May 11, 2021